

In answer to questions put to him he said he received the paper from Judge Tooby, who he also said had sworn him in a deputy marshal. We may say that we have no idea that Judge Tooby had anything to do with such an ungentlemanly and brainless act, but that was done by a person representing himself to be that gentleman. The name of another gentleman was used on the paper who had no knowledge whatever of the affair. The document was written in a clear bold hand and in a sort of legal phraseology.

The silly fellow, being *non compos mentis*, and therefore not responsible, was discharged from custody.

Another Charge.—This morning the grand jury were called into court by Judge McKean, who stated that some of their number had been divulging secrets concerning the doings of that body, and that he was aware of at least one instance of the kind. He said those guilty of such a breach of oath were traitors and perjurers, and warned the gentlemen against such divulgements, as they would be promptly punished in every case, when discovered.

Some of the jurymen drew the attention of the Court to the alleged fact that the jury room was so situated that parties on the outside could hear what was going on in the interior with as much facility as those in the interior, a matter which had been tested by some of the gentlemen going outside for the purpose of ascertaining. It was also suggested that some of the witnesses might have divulged some of the proceedings of the jury, as they had not been obligated to keep silent by oath. Although there was no law touching the matter, as regards witnesses, the Court was of opinion that an oath binding such to secrecy might be properly administered.

It was stated that parties had been observed on the outside of the juryroom apparently listening to what was going on.

FROM SATURDAY'S DAILY, OCT. 17.

Grand Jury Adjourned.—We understand the grand jury adjourned from last evening until Monday morning.

Address of the Emigration Agent.—The address of Elder W. C. Staines, the Church emigration agent at New York, is P. O. B. 3957, New York City.

Stealing Case.—Fred. Stockfish, a hardened penitentiary bird, stole a saddle last night, for which he was arrested this morning and placed in jail.

A Beautiful Rose.—This morning Brother Owen J. Morgan, of the 7th Ward, showed us one of the most beautiful monthly roses we have ever seen, being brilliant and fresh in color, and measuring over three inches in diameter.

Another Iron Discovery.—A correspondent writing from Morgan City, county of the same name, Oct. 14th, informs us that an excellent vein of hematite iron has been discovered five miles from Weber station, on the Union Pacific railroad. The quality of the article is said to be at least equal to that found in Wyoming.

Bath Brick Polish.—H. H. Wadman has gone into the Bath brick business. The article is taken from a discovery mentioned some time since in the NEWS. It cannot be bettered by anything imported for scouring and polishing cutlery, tinware and brasses, and is even an excellent aid in cleaning windows. It is put up in five pound packages, in the same way as salt.

Cabbage and Cauliflower.—Today Brother John H. Picknell, of Butcherville—north-east part of the 20th Ward—showed us a couple of specimens of what he can raise on his lot in that locality, one of which was a fine solid cabbage, the weight of which is twenty-two pounds, and an excellent white, plump cauliflower, weighing seven pounds. Pretty good for bench land, that.

Cattle Stealing.—David Pule and two young men named Moon were arrested this morning on a charge of stealing three head of cattle. Pule appears to be the principal mover in the transaction, his own version being that he took the cattle from a man for whom he was working, on the advice of Fred Stockfish, his father-in-law, and

that the two Moons assisted him to drive them to town, where they were sold and the proceeds pocketed. There may, however, be considerably more "moonshine" than material facts about this statement.

Sunday School Party.—Yesterday there was a party in the 8th Ward Assembly rooms, for the benefit of the Sunday school of that Ward. It commenced at two o'clock in the afternoon, the exercises consisting of songs, recitations, etc., by the children. There was a recess between six and seven o'clock, after which prizes of books, etc., were distributed among the children, some being awarded for regular attendance at Sunday school, and others for proficiency in various ways. It was a very pleasant affair altogether, was a financial success, and will have an encouraging tendency to the Sunday school cause in that Ward.

The Bountiful Murder.—The murder of Mrs. Adams continues enshrouded in mystery, further searching investigations giving no trace of the perpetrator of the brutal deed.

The investigation, which lasted several days, was most exhaustive, in its character, deputy sheriffs Sirrine and Florida of this county, and sheriff Jesse Smith of Davis County being indefatigable in their efforts to discover the murderer, as was also Judge Z. Snow, who conducted the examinations for the people. It is but just to say that in all the searching by the officers not the shadow of a trace was found that could in any way be construed to implicate the Perkins brothers, upon whom some suspicion at first rested.

Resignation.—We understand that Joseph F. Nounnan, Esq., clerk of the Third District Court, has resigned that position. Mr. Nounnan is one of those gentlemen who has always manifested the good sense and manliness to treat all having business with him with that official impartiality which should characterize the course of every man in office. As members of the press we have been the recipients of many courtesies from him, his urbanity being proverbial and his willingness to oblige unvarying.

We may state, in this connection, that so far as the courtesies generally extended to the press are concerned, Judge McKean himself could not reasonably be found fault with, his prejudices seemingly not damaging him in that channel.

Home-made Molasses.—Mr. Humphreys, of Mill Creek, left a specimen of excellent molasses at this office to-day, made by Mr. John Morgan, the cane yielding two hundred and sixty gallons of the article having been raised by Humphreys Brothers on an acre and a quarter of ground. Mr. H. says he finds a ready sale for it at one dollar a gallon. This is an item worthy the attention of farmers and others who understand the culture of sugar cane. The manufacture of molasses used to be quite a brisk business some years ago in the Fall in this Territory, but latterly it seems to have died out. With such facilities for it, however, as Utah possesses this is indicative of a poor financial policy, for there is a large amount of money paid out every year in imported molasses, when it might be kept at home and spent in the home-made article. Two hundred and sixty dollars from an acre and a quarter of ground one would think would pay.

FROM MONDAY'S DAILY, OCT. 10.

Information Wanted.—David Smuin would like to know the whereabouts of his father, Thomas Smuin, and family. Address P. O. Box No. 3, Williamsburg, New York.

Atmospheric Indications.—The condition of the atmosphere yesterday and to-day appears to indicate the near approach of a cold spell of weather. It is not improbable that snow may commence to fly within a week or two at the farthest.

Beats California.—This morning we saw some cauliflower raised by Brother John Van Cott, that we should think cannot be beat by the California productions in that line. One of them, entirely divested of leaves, weighed 13½ pounds, and was white and tender.

Opening of the University Library.—The Library and Reading Room of the Deseret University in

this city will be opened, free to the public, this evening, and every evening hereafter, from six to ten o'clock. The library contains between two and three thousand volumes on almost every useful subject; the reading room will be provided with the latest papers and periodicals. The object in opening this free library is solely to benefit the public, to whom a cordial invitation to attend is extended.

Fair and Races.—For the stock show at Agricultural Park to-morrow and Wednesday, the animals for exhibition should be there by 10 o'clock each morning.

Races commence each day at 1 p.m.; three races the first day, and four the second day, one of the latter for lady equestrians.

The entrance to the Park is from North Temple Street. Male adults, 50 cents admittance; single horse carriage and driver, 75 cents; horses and carriage and driver, \$1.00; ladies free. Refreshments on grounds.

The carriage drive down North Temple Street has been put in excellent order.

Wants a Speedy Trial.—A friend of Col. Ricks, who visited him shortly after he was sent to the penitentiary, says that he was in excellent spirits, and said all he wanted was a speedy trial of the charges under which he had been indicted. Under the Constitution and laws he is entitled to an early trial.

A friend who visited him yesterday states that Col. Ricks then expressed himself to the same effect. He was especially anxious that his case should come to speedy trial, for the reason that he was sure if he had fair play he had nothing to fear.

The Chief Justice.—We consider that his honor, the Chief Justice, has shown abundant evidence that he is a very strongly prejudiced man, and, like all other strongly prejudiced men, unable to utter or form an impartial judgment concerning the things towards which his powerful prejudices are excited. A prejudiced man may do many foolish and unjust things, but he may be honest in his intentions for all that. While we consider it an incontrovertible fact that the Chief Justice is a man of very potent prejudices, we are free to say that we have heard of persons, who had known him for many years, in the State of New York, declaring that they never knew him to be subject to bribery, venality or any pecuniarily corrupting influence, and they did not believe he was capable of it.

Congressman Cannon Indicted for Lascivious Cohabitation.

"SALT LAKE, October 14th.—The Grand Jury to-day found an indictment against George Q. Cannon, Delegate to Congress last session, for lascivious cohabitation. It is reported that Cannon, having heard of the indictment, left the Territory. He cannot be found."

This is a copy of a dispatch published in the California papers of the 16th.

Judge McKean lectured the Grand Jury a few days ago because business transacted in the jury room had, he said, become public. Here is an opportunity for him to show his zeal in this direction. Has Hon. George Q. Cannon been indicted for lascivious cohabitation? If so, who communicated the information to this telegraphic correspondent? If Geo. Q. Cannon has been indicted, then somebody leaked very soon, for this news was sent East and West, and we have it coming back to us now in the papers. Who was it? Was it a jurymen, or an official of the court? The impression prevails in the community, that the officials are quite communicative in certain circles, and that the business to be laid before the Grand Jury is all canvassed beforehand in those circles and the results freely told afterwards. If such an indictment has been found, then in the case of this telegraphic correspondent Judge McKean has a clue. Will he follow it up? We shall see whether his zeal will prompt him to investigate a case when it is likely to implicate one who is understood to be one of his satellites.

The statement that Geo. Q. Cannon has left the Territory and cannot be found is proof that the

champion lie-manufacturer still lives. The statement is an unqualified lie, and he who penned it must have known it to be such when he sent it away. But this is a part of the programme. Every means must be used to blacken and defame the men whom the ring hate and wish to destroy. We, as well as hundreds of other citizens, have seen Geo. Q. Cannon on our most public streets every day for the past week. While the General Conference was in session he was there daily, and since then his movements have been public.

Is it any wonder that a cause, such as that of the ring in this Territory, which has recourse to such infamous means to manufacture capital and to bolster it up, signally fails in its plots, or that its fruits turn, like Dead Sea apples, to ashes in its hands?

DISTRICT COURT PROCEEDINGS.

Judge McKean Wants Himself or the "Herald" Indicted.

Petit Jurors Called.

The Third District Court opened at 10 o'clock this morning, J. B. McKean, C. J., presiding.

The Court ordered the clerk to return to the box the slips of paper with the names of parties on the jury list drawn from the box but not now serving on the grand jury, on account of their being at a distance at the time of drawing, and therefore unable to be in court within a reasonable time.

At the suggestion of Mr. Hempstead the clerk was ordered to make a minute of the names thus returned to the box and subject to be redrawn.

The grand jury were called into Court, for special instructions. The Judge read to them an article clipped from the Virginia, Nev., *Independent*, and re-published in the *Herald* of Sunday morning, charging him (the judge) with official corruption. He gave the jury a paper containing the aforesaid article and instructed them to investigate the allegations therein contained, and if they were found to be true, to indict himself, and if false to indict John T. Caine, W. C. Dunbar, Byron Groo and "one Fuller," whose Christian name was unknown to the court, the proprietors and editors of the *Herald*. After receiving this charge the grand jury retired and undisturbed serenity once more reigned.

Some *ex parte* business was then attended to.

The clerk called the names of the petit jury, drawn on the 14th of September, the following answering to their names—

Z. T. Stewart,
Geo. M. Scott,
Wm. E. Smedley,
Christopher Rehmkne,
Richard Y. Anderson,
Alex. Zomzer,
Howard Sebree,
Geo. Butterbaugh,
George Dunford,
John Cunningham,
Levi Reed,
John Franks,
Henry C. Goodspeed,
Phillip Margetts.

It was stated that one of the absentees, C. C. Wallin, was out of the Territory, and had not been served by the Marshal. Considerable discussion ensued among members of the bar regarding the advisability of drawing and summoning another juror to supply the place of Mr. Wallin. Some of the gentlemen advanced a proposition that it would be legal for the Court to order the drawing and summoning of an additional number of talesmen to those jurymen already drawn, to meet probable exigencies, such as challenges for cause, &c., while others held that that could not be legally done until the imperative necessity arose. The Court decided to proceed with the seventeen who had already been served.

The following jury was empanelled for the trial of Lucius Livingstone et al. vs. John Paxton et al.: Geo. Dunford, Levi Reed, Phillip Margetts, John Cunningham, John Franks, Zebulon T. Stewart, H. C. Goodspeed, Christian Rehmkne, Howard Sebree, Geo. Butterbaugh, R. Y. Anderson, Solon Richardson, James Moyle.

Here are the names that were drawn for grand jurors and not now serving, which were returned to the box this morning—

Franklin D. Merrill, Samuel D.

Sirrine, Edward C. Chase, A. L. Hale, Horace Bliss, Aaron DeWitt, Lucius Livingstone, W. W. Casper, Thomas A. Janney, Edward Eldredge, William C. Lewis, William S. McCornick, Jesse E. Murphy, Nicholas Groesbeck, John Johnson, James A. Cunningham, Daniel W. Rensch, S. W. Crow.

The Grand Jury.

After the exercise of a great deal of ingenuity, and the arrangement and use of the Carey Catechism, a grand jury was impaneled in the Third District Court last week, and, being duly and unduly charged, primed and prejudiced, were sent to their room to shoot off indictments. Their first shot was an indictment against one of their own number, who, declining to give the enormous bail of \$10,000 required by the preaching judge, was committed and confined in the penitentiary.

Now it is a serious question whether or not this carefully selected jury is capable of finding a valid indictment. It seems to us not at all probable that every indictment it finds will be quashed, and that too by the venerable Judge himself who presides in the Third District Court.

His Honor decreed that the Grand Jury should be composed of twenty-three citizens. We know of no law by which the Judge was authorized to do so. The "Poland" bill, under which this jury was impaneled, shows how the jurors are to be drawn, but makes no provision in regard to the number. It speaks of the number of names to be drawn from the list as previously directed by the judge, by which the juries are to be made up, but is silent as to the number required to form the jury.

In order, then, to determine the number necessary to constitute a grand jury, we must fall back on the Territorial statutes, which remain in force so far as they do not conflict with the provisions of the above-named bill. By the Act approved Feb. 13, 1870, it is provided that eighteen eligible men shall be summoned to serve as grand jurors, fifteen of whom shall constitute the grand jury. Fifteen being the number prescribed by the law, by what right has the Judge decreed that the number shall be twenty-three?

It may be answered, the judge has gone to the old common law of England to find the number. But there is no criminal common law in the United States, and the effort to extend the common law, by a special provision in the bill under which the jury was drawn, over Utah, was defeated by Congress, who expunged the section when making other important amendments.

We, therefore, regard the present grand jury in the Third Judicial District as illegal, and all the indictments framed by it as invalid and without force. It may be asked, what object had the Judge in deciding that the number should be twenty-three? The question may be easily decided when it is understood that it takes twelve of the number to find an indictment, and it is much easier, under the "Poland" bill, to get twelve Gentiles out of twenty-three than out of fifteen, even when the Carey Catechism is made to have the force of law; and that the grand point to be gained is the indictment of influential "Mormons."

There is another query in connection with this important subject. If twenty-three is the proper number to form a Grand Jury how can twenty-two find a valid indictment? Col. T. E. Ricks, one of the panel, is committed to the penitentiary, leaving but twenty-two to answer the roll call and attend to business. Twelve of the whole number agreeing can bring a true bill, but can twelve out of part of a jury find a bill which will stand the test of legal scrutiny?

Viewing the foregoing according to what light we have on the matter, we are of the opinion that the present Grand Jury is another of McKean's numerous blunders, and that all the acts of that body will be of no more value than the decisions of His Honor which the Supreme Court evaporated into thin air, and which drew upon him the ridicule and contempt of the whole bar of the United States.—*Ogden Junction.*

DIED.

At American Fork, October 13, of affection of the heart, caused by rheumatism and lameness, LAURA VILATE SMITH, aged 18 years and 7 months.

At Oxford, Oneida County, I. T., Oct. 4th, of putrid sore throat, SARAH ELLEN, daughter of George and Sarah Jane Lake, aged 2 years, 2 months and 5 days.

Also, at the same place, and of the same disease, October 5th, ESTHER ANN, daughter of George and Sarah Jane Lake, aged 6 years, 7 months and 2 days.

At Kaysville, Sept. 30, in the 77th year of her age, ANN BUNTING, formerly of the Derbyshire (England) Conference.

Deceased was the first person in the village of Tansley to open her house for the preaching of the Gospel by the Elders of the Church of Jesus Christ of Latter-day Saints. She embraced the Gospel in the year 1849, and her whole family, consisting of one son and four daughters, with their husbands, soon joined the Church. In the Fall of 1855 they emigrated to the United States, and are now all of them in Utah.

Mother Bunting was favorably known by a great many of the Elders. She was a faithful Latter-day Saint and died, as she had lived, in the assurance of a resurrection in the morning of the first resurrection with the just.—*Com.*

Utah papers and *Millennial Star*, please copy.